

**CIVIL NO. 1:06CV367**

**Defendant.**

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**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, as a matter of law and pursuant to the terms of the Purchase Agreement, the Plaintiff is entitled to be indemnified by the Defendant for the Plaintiff's portion of cleanup costs of the mercury contamination identified by the North Carolina Department of Environment and Natural Resources in Recognized Environmental Concerns 1 and 5.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Plaintiff's motion for summary judgment as to the Defendant's counterclaims is **ALLOWED**, and such claims are hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Plaintiff's request for legal fees is **DENIED**, and each party shall bear its own costs in this action.

Signed: October 14, 2008

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

